

Administrative Arrangement

between

the Ministry of Interior of the Kingdom of Spain

and

the Federal Ministry of the Interior, Building and Community of the Federal Republic of
Germany

on cooperation between Germany and Spain when refusing entry to persons seeking
protection in the context of temporary checks at the internal German-Austrian border

The Ministry of Interior of the Kingdom of Spain (referred to in the following as "Spanish Side") and the Federal Ministry of the Interior, Building and Community (referred to in the following as "German Side")

(collectively referred to in the following as "the Sides")

intend to counter illegal immigration in the spirit of the European efforts in this regard. They are prompted by the desire to curb irregular secondary migration within the European Union and have therefore, based on and within the framework of their applicable national and international law, and in line with Union law, in particular the Schengen Borders Code, come to the following understanding:

No. 1

Content and scope

1. This document covers the refusal of entry of persons in the framework of applicable national law if the following prerequisites are met:
 - a) The person has been identified during a check at the internal German-Austrian border and is to be refused entry.
 - b) The person has expressed a desire for international protection at the internal German-Austrian border.
 - c) An entry in the Eurodac system (Category I Eurodac hit) indicates that the person has already requested international protection in Spain.
2. In the cases of subsection 1, Spain will readmit the person after being notified that the German Side has refused entry according to the procedure called for in this Administrative Arrangement, with the exception of unaccompanied minors.

No. 2

Notification

1. The responsible authority for the German Side will provide notification of refusal of

entry in English via fax or email to the Spanish Side's responsible authority using the form provided in the annex. This notification will include the following information:

- a) Eurodac ID number
 - b) Photo
 - c) Travel data
 - d) Date and place of apprehension
 - e) Documentary evidence that the person, whose entry has been refused, has been informed of the procedure being applied.
2. Notification will be sent as soon as it has been determined that the prerequisites of No. 1 (1) have been met and means of transport have been chosen in accordance with No. 3 (1).

No. 3

Implementing refusal of entry

1. The German Side refusing entry may return the person by air, land or sea. The return should be initiated no more than 48 hours after the person has been apprehended at the internal border.
2. The Spanish Side will allow the person to enter.

No. 4

Refusal of entry in error and cases of family reunification

1. If the Spanish Side proves at any time that the prerequisites of No. 1 (1) (c) have not been met, Germany will readmit the person without delay.
2. The German Side's obligations under the Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an

application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (Dublin III Regulation), in particular to immediately conclude family reunifications, remain unaffected by prior refusals of entry conducted by the German Side according to the procedure called for in this Administrative Arrangement.

No. 5

Responsible authorities

1. The Sides' authorities entrusted with implementing this Administrative Arrangement are

- a) for the Ministry of Interior of the Kingdom of Spain:

General Commissariat for Aliens and Borders ("Comisaría General de Extranjería y Fronteras")

Email: [REDACTED] and [REDACTED]
with copy to the following email address: [REDACTED]

- b) for the Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany:

Federal Police Regional Office (Bundespolizeidirektion München)
Infanteriestraße 6
80797 München
Postfach 40 07 12
80707 München
Tel.: 089/ 121 49 - 0
Fax: 089/ 121 49 1199

Email: [REDACTED]

2. The Sides will inform each other immediately in writing of any changes to the responsible authorities or their address/contact information.

No. 6

Costs

1. The German Side will pay all costs associated with the refusal of entry until the person

refused entry arrives in the territory of the readmitting Side.

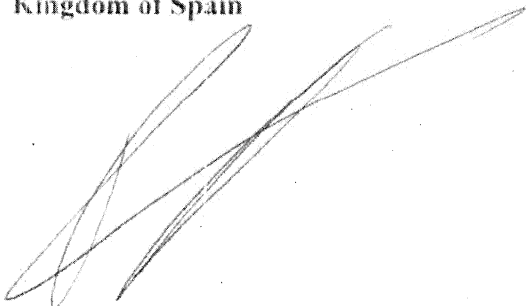
2. In the case of No. 4 (1) and (2), the German Side will pay all travel costs associated with a readmission of the person, provided that the readmitted person has previously been refused entry by the German Side according to the procedure called for in this Administrative Arrangement.

No. 7

Final provisions

1. The cooperation between the Sides based on this Administrative Arrangement will start on the 5th calendar day after it is signed by both Sides.
2. This cooperation can be unilaterally discontinued. In order to avoid misunderstandings and inconveniences, the discontinuing Side should inform the other Side in writing at least two weeks beforehand.
3. Changes to this Administrative Arrangement may be made at any time and will come into effect according to the procedure in No. 5 (2).

**For the Ministry of Interior of the
Kingdom of Spain**

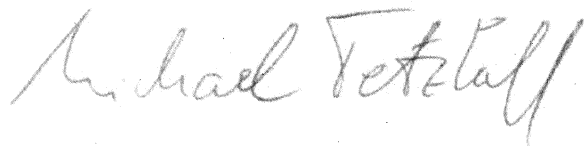


(Rafael Pérez Ruiz, Director of the
Cabinet of the Minister)

Place, Date:

MADRID A 6 DE AGOSTO DE 2018

**For the Federal Ministry of the Interior,
Building and Community of the Federal
Republic of Germany**



(Michael Tetzlaff, Deputy Director
General for Migration)

Place, Date:

Berlin, den 03.08.2018

Annex

Letterhead

PHOTO

Notification of refusal of entry

On _____ [date] _____, the person whose file is stored under the Eurodac ID number _____ and whose photo is attached was apprehended in a check at the internal German-Austrian border in the attempt to enter [State refusing entry]. This person does not meet the conditions for entry and has expressed a desire for international protection.

A search of the Eurodac system shows that this person applied for asylum with [authority] in [readmitting State] on _____ [date] _____.

In accordance with No. 2 of the Administrative Arrangement between the Federal Ministry of the Interior, Building and Community of the Federal Republic of Germany and the Ministry of Interior of the Kingdom of Spain dated [date], this document serves as notification that this person has been refused entry and is being returned to [readmitting State].

The following means of transport will be used:

Flight:

☐ By air

Flight number:

Scheduled departure on [date] at [time] from [departure airport]

Scheduled arrival on [date] at [time] at [arrival airport]

☐ By land

Means of transport:

Estimated time of arrival on *[date]* at *[time]* in *[city]*

☐ By sea

Means of transport:

Estimated time of arrival on *[date]* at *[time]* in *[city]*

(Title, signature, last name and first name)

(Office)